

Notice of Allowability

Application No.

10/664,176

Examiner

Dalena Tran

Applicant(s)

LEVI ET AL.

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/27/06.
2. ☒ The allowed claim(s) is/are 1-9, 11-19,21(now renumbered as 1-19).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Dalena Tran

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

1. This communication is an Examiner's reasons for allowance in response to application filed on 9/17/03, assigned serial 10/664176 and title "Multi-mode navigation device and method".
2. The following is the Examiner's statement of reasons for the indication of allowable subject matter:

After carefully reviewing the application in light of the amended claims and the additional search of all the possible areas relevant to the present application, a set of related prior art references has been found, but those prior art references are not deemed strong to make the application unpatentable. Thus, it is found that the application is now in condition for allowance.

As per claims 1, and 12, the prior art of record does not disclose a navigation device, and a machine readable medium having one or more instructions, comprising: a processing unit communicatively coupled to an electronic compass and one or more motion sensing devices to receive the heading signal and the one or more motion signals, determine a position and orientation, and automatically switch different navigation information On or Off depending on the orientation of the navigation device.. This limitation in combination with the other elements in the claim was not shown or suggested by the prior art.

Also, as per claim 5, the prior art of record does not disclose if the navigation device is affixed to a user and the device is in a primary orientation, navigation calculations are made according to bipedal ambulation to provide a position, if the navigation device is affixed to a user and the device is in a secondary orientation,

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then navigation calculations are made according to crawling ambulation to provide a position, and if the navigation device is hand-held, only azimuth data is provided to the user.

As per claim 7, the prior art of record does not disclose detecting whether the navigation device is inserted into a holster, providing the azimuth heading and dead reckoning position if the navigation device is inserted into the holster, and providing azimuth heading otherwise. This limitation in combination with the other elements in the claim was not shown or suggested by the prior art.

As per claims 9, and 13, the prior art of record does not disclose a method, and a machine readable medium having one or more instructions for operating a navigation device, comprising determining the orientation of a navigation device relative to a horizontal plane, and providing a position according to the motion measurement algorithm selected, automatically resetting the horizontal plane of reference to a first physical horizontal plane of the navigation device when the navigation device is in a first orientation, and a second physical horizontal plane of the navigation device when the navigation device is in a second orientation. This limitation in combination with the other elements in the claim was not shown or suggested by the prior art.

As per claims 17-18, the prior art of record does not disclose a navigation device comprising: a processing unit communicatively coupled to the electronic compass and one or more motion sensing devices to receive the heading signal and the one or more motion signals, determine a position and orientation and automatically provide different navigation information depending on the orientation of the navigation devices and a detector to detect when the navigation device is inserted into a holster. This limitation in

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combination with the other elements in the claim was not shown or suggested by the prior art.

As per claim 21, the prior art of record does not disclose a method comprising: automatically selecting a first motion measurement algorithm if the navigation device is in a first orientation, and automatically selecting a second motion measurement algorithm if the navigation device is in a second orientation. This limitation in combination with the other elements in the claim was not shown or suggested by the prior art.

Claims 1-9, 11-19, and 21, are allowable over the prior art of record.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The examiner can normally be reached on M-F 6:30 AM-4:00 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner
Dalena Tran



May 10, 2006